

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Refugio ALVARADO-Nolasco,

Defendant

Magistrate Docket No. **'08 MJ 0649**: 02


CLERK OF COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF

BY Rm DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 1, 2008** within the Southern District of California, defendant, **Jose Refugio ALVARADO-Nolasco**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF MARCH, 2008


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Refugio ALVARADO-Nolasco

PROBABLE CAUSE STATEMENT

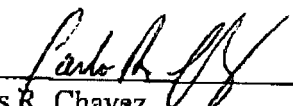
I declare under the penalty of perjury that the following statement is true and correct:

On March 1, 2008, at approximately 9:00 a.m., Border Patrol Agent W. Bowes responded to a seismic intrusion device activation in an area known as Cuchama Truck Trail which is located near Barrett Junction, California. This area is located approximately three and a half miles west of the Tecate, California Port of Entry, and one mile north of the International boundary between the United States and Mexico. Agent Bowes arrived to the location and noticed footprints and started walking northbound on a trail that is commonly used by undocumented aliens furthering their illegal entry into the United States.

At approximately 9:30 am, Agent Bowes spotted three subjects walking north on the trail ahead of him. Agent Bowes approached the subjects, identified himself as a United States Border Patrol Agent in both the English and Spanish languages, and questioned them as to their immigration status. All three subjects, including one later identified as the defendant **Jose Refugio ALVARADO-Nolasco**, stated that they were born in Mexico and were citizens of Mexico. When asked if they possessed any valid U.S. immigration documents allowing them to enter or remain in the United States legally, all three subjects including the defendant stated that they did not. All three subjects stated that they entered into the United States illegally, together, through the mountains west of the Tecate, California Port of Entry on February 29, 2008 at approximately 7:00 p.m. Agent Bowes arrested the three individuals and transported them to the Brown Field Border Patrol Station for processing.

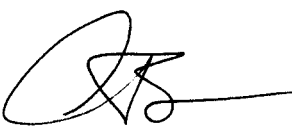
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 07, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Excuted on March 2, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on 02/29/2008, in violation of Title 8, United States Code, Section 1326.



Cathy A. Bencivengo
United States Magistrate Judge

3/2/08 @ 10:05

Date/Time